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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises**

Summary

The present report provides an overview of the main developments related to the work of the Special Representative in implementing his mandate, with a focus on the period since the presentation of his latest report to the Human Rights Council (A/HRC/14/27) in June 2010. As discussed with the Council at that time, the Special Representative will submit two products at the end of his mandate in June 2011: a set of guiding principles for the implementation of the "protect, respect and remedy" framework, and an options paper outlining possible ways the Council might follow up on the mandate. The present report notes the consultative process that the Special Representative will pursue in elaborating the guiding principles, addresses some of the challenges posed by the issue of extraterritorial jurisdiction in the context of business and human rights, discusses the scope and application of the corporate responsibility to respect human rights in the supply chains of business enterprises and provides an update on activities and developments related to the Special Representative's work to promote the framework.

* A/65/150.

** The present report was submitted late in order to include the most recent developments.

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I. Introduction

1. In June 2010, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises presented his second report to the Human Rights Council (A/HRC/14/27) on the implementation of his mandate to operationalize the "protect, respect and remedy" framework, which had been unanimously welcomed by the Council in 2008 (see Council resolution 8/7).

2. The present report discusses his efforts to further operationalize the protect, respect and remedy framework through the development of guiding principles for its implementation. The report goes on to discuss two of the most challenging issues relating to the business and human rights debate, namely extraterritorial jurisdiction and the scope and application of the corporate responsibility to respect human rights in the supply chain of a business enterprise. Finally, it provides an update on activities and developments related to the Special Representative's work to promote the framework.

II. Towards operationalizing the protect, respect and remedy framework

3. In 2008, the Human Rights Council was unanimous in welcoming the protect, respect and remedy framework for better managing business and human rights issues, which was presented by the Special Representative. In deciding to extend his mandate until 2011, the Council tasked the Special Representative with operationalizing and promoting the framework.

4. From the outset, the Special Representative has maintained that business and human rights challenges reflect a broader institutional misalignment between the scope and impact of economic forces and actors and the capacity of societies to manage their adverse consequences. The protect, respect and remedy framework is intended to help close those gaps.

5. The framework comprises three pillars: the State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication; the corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others, and to address such adverse impacts as may occur; and greater access by victims to effective remedy, judicial and non-judicial. It is now widely known as the United Nations framework for business and human rights.

A. Guiding principles for the implementation of the protect, respect and remedy framework

6. As discussed with the Human Rights Council in June 2010, the Special Representative will provide a set of guiding principles on the implementation of the protect, respect and remedy framework at the end of his mandate in June 2011. The guiding principles will relate to each pillar of the framework. They will be general enough to be universally applicable, thus recognizing the diversity of country and business contexts, but specific enough to have practical utility. Members of the

Council expressed strong support for such guiding principles and also invited the Special Representative to present options and recommendations to the Council regarding possible successor initiatives to his mandate.

7. All activities of the Special Representative during the final year of his mandate will be focused on these two objectives. He will engage extensively with Member States and other stakeholders. Three consultations are envisaged with Member States, and he is convening separate consultations with business and with civil society on key issues for possible inclusion in the guiding principles. Outreach in particular to national human rights institutions is also envisaged through the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights and its working group on business and human rights. Later in 2010, he plans to post a discussion draft of the guiding principles on his online consultation forum at www.srsgconsultation.org for comments.

B. The State duty to protect

8. Concerning the State duty to protect, the Special Representative notes that most States have adopted measures and established institutions relevant to business and human rights, in such areas as labour standards, workplace non-discrimination, health and safety and consumer protection. States have been slower, however in addressing the more systemic challenge of fostering rights-respecting corporate cultures and practices.

9. In his 2010 report to the Human Rights Council, the Special Representative identified a number of relevant policy developments from all parts of the world. They included guidance for companies via national corporate social responsibility policies, listing and reporting requirements, directors' duties and provisions specifically recognizing a company's "corporate culture" in assessing legal liability. The examples were relatively few in number, however, and even fewer companies explicitly specified human rights in their coverage. The report suggested ways in which State practice could be improved.

10. The Special Representative highlighted that, in protecting against business-related abuse, it was important for States to explore the opportunities to promote the respect of business for rights when they did business with business, whether as owners, investors, insurers, procurers or simply promoters. In particular, he pointed out that the closer an entity was to the State or the more it relied on statutory authority or taxpayer support, the stronger was the State's policy rationale for ensuring that the entity promoted respect for human rights. That would include, for example, State-owned enterprises and the role that export credit agencies and official investment insurance or guarantee agencies could play in incentivizing their clients to respect human rights.

11. There has been recent consideration of this issue at the national and multilateral levels. The Special Representative addressed the Organization for Economic Cooperation and Development (OECD) Export Credits Group, as part of its review of its common approaches. Export credit agencies potentially run two risks in relation to human rights. The first is the risk that a client's business activities or relationships might contribute to human rights abuse abroad, with the moral, reputational, political and, in some cases, legal implications this entails for

the export credit agency itself. The second is the financial risk to the project that may result from its adverse impact on the human rights of individuals and communities, which in turn could affect the export credit agency's own exposure. These risks are inextricably linked. Despite recent encouraging developments, in the case of many, if not most, export credit agencies, these risks are currently unknown and unmeasured.

12. One reason that is frequently invoked to explain export credit agencies' lack of consideration of human rights impacts is that export credit agencies are only a small part of the equation, that there are other financial actors providing greater support or that they are only one player in larger syndicates. The Special Representative has said repeatedly, however, that there is no single silver bullet solution to business and human rights challenges; there are only many small ones. If all players that considered themselves to be just one part of the solution were to do nothing, then nothing would ever change. Fortunately, many are doing their part. Export credit agencies can also do the same, particularly by coming together in multilateral arenas to raise common standards and ensure a level playing field.

13. The business and human rights agenda addresses business-related human rights risks to individuals and communities, as well as stakeholder-driven financial, operational and reputational risks to business itself. The appropriate response by export credit agencies to managing both sets of risk is to require human rights due diligence, of themselves and, wherever their access allows, of project sponsors. The Special Representative recognizes that not all export credit agencies, either at the national or multilateral level, are equipped to conduct such due diligence and that some capacity-building will be required. He thus encourages export credit agencies to consider what tools may be most suitable to assist them in carrying out human rights due diligence, as well as which activities may help to develop their knowledge base and competency in this area. He hopes that the protect, respect and remedy framework will be of some assistance in designing such measures and looks forward to further consulting with export credit agencies and related stakeholders on this issue.

14. The Special Representative is also proceeding with exploring markers for responsible contracting with respect to human rights in the context of agreements between foreign investors and host Governments. The markers would aim at helping both States and investors consider the potential human rights impacts of certain contractual arrangements in long-term investment contracts. The Special Representative is continuing to consult with State representatives and investors, as well as with other stakeholders, on the possibility of providing such markers.

C. The corporate responsibility to respect

15. With regard to the corporate responsibility to respect human rights, the Special Representative, in his report to the Human Rights Council, further elaborated the due diligence process whereby companies could know and show that they respected rights. The Special Representative recognized that the complexity of tools and processes companies employed would necessarily vary with the size of firms and their operational circumstances. This approach had been well received, and some companies were already adopting it, but the report also identified two types of risk that had not yet received the attention they demanded.

16. First, research suggests that companies are not adequately monetizing and aggregating the costs of conflicts with communities in which they operate, which typically involve environmental and human rights concerns. Such stakeholder-related risks include revenue losses resulting from delays and disruptions; higher costs of financing, insurance and security; and possible project cancellation. They are particularly pronounced in the extractive sector and where companies operate in difficult environments. In the case of the major international oil companies, it is estimated that non-technical risks now account for nearly half of all the risks these firms face, while stakeholder-related risks constitute the largest single category of non-technical risks. One global company may have lost $6.5 billion over a two-year period from such sources, amounting to a double-digit percentage of its annual profit. This is a lose-lose situation, one that harms human rights and the company itself. On both grounds, it calls for better internal control and oversight systems.

17. The same is true for the risk that such companies may be implicated in human rights-related international crimes or other egregious abuses, typically through the actions of associated third parties. Prudence would suggest that they should manage this risk as a legal compliance issue, even if the borders of legal liability are still somewhat fluid.

D. Access to remedy

18. On the subject of remedy, State-based judicial and non-judicial mechanisms should form the foundation of a system of remedy for corporate-related human rights abuse. Company-level grievance mechanisms can provide early-stage recourse and possible resolution. Collaborative initiatives can supplement them.

19. Reality falls far short of a comprehensive and inclusive system of remedy, however. The Special Representative has highlighted that the current patchwork of judicial and non-judicial remedial mechanisms available with regard to company impacts on human rights is both incomplete and flawed (see A/HRC/8/5, para. 87). A variety of interventions will be required to address these deficits and enhance both the quantity and quality of remedial options available.

20. In his 2009 report to the Human Rights Council, the Special Representative noted that various stakeholders had suggested the need for a new international institution to improve access to non-judicial remedy. The vision for such a facility has varied, and has included a clearing house for other remedial mechanisms, a capacity-building entity to help disputants use other mechanisms effectively, an expert body to analyse dispute resolution processes and enable more systematic learning, a forum for the actual mediation and/or arbitration of disputes between companies and their stakeholders in society or a combination of two or more of these roles. The Special Representative noted some of the challenges any new forum or facility for mediation or arbitration would have to meet in practice in order to be viable (see A/HRC/11/13, paras. 109-113).

21. The Special Representative is continuing his exploration of these ideas through consultations with a broad range of individuals from different stakeholder groups on different continents. Feedback so far suggests that there may indeed be interest in having greater capacity at the international level to support and facilitate mediation of disputes in this arena. Indeed, recent decisions by some regional development banks to add mediation and conciliation options to their remedy architecture,

alongside existing compliance functions, reflect this same dynamic. Discussions continue on the question of what features any new facility would need to have in order to be viewed by different stakeholder groups as something they would trust and use. Early responses confirm that such a facility would need to have a strongly networked structure, enabling ease of access through one or more focal points, and to facilitate locally embedded processes that are culturally appropriate to the location where the disputes occur. The Special Representative will report further on his findings in early 2011.

III. Extraterritoriality

22. One of the central demands of human rights advocacy groups is for the more extensive exercise of extraterritorial jurisdiction by countries in which multinational corporations are domiciled. Business and many States remain opposed to this practice. In his 2010 report to the Human Rights Council, the Special Representative highlighted that extraterritorial jurisdiction in the business and human rights field, as in other domains, was a complex matter. Nevertheless, he has found that, in debates about this issue, a critical distinction between two very different forms of extraterritoriality is usually obscured, which contributes to the debate's polarization. The first is domestic measures that have extraterritorial implications, for example requiring parent companies to report on the company's overall human rights policy and impacts, including those of its overseas subsidiaries. Such measures rely on territory as the jurisdictional basis, even though they may have extraterritorial implications, and they can encourage better behaviour by companies abroad as well as at home. The second is the exercise by States of jurisdiction directly in relation to actors or activities overseas. An example would be legal regimes governing child sex tourism, which rely on the perpetrator's nationality no matter where the offence occurs.

23. To facilitate a more nuanced discussion of extraterritoriality in the business and human rights context, the Special Representative has constructed a heuristic "extraterritoriality matrix" with two rows and three columns. Its two rows represent: (a) domestic measures with extraterritorial implications; and (b) direct extraterritorial jurisdiction over actors or activities abroad, and its three columns represent: (c) public policies relating to companies (such as corporate social responsibility and public procurement policies, export credit agency criteria or consular support); (d) regulation (through corporate law, for instance); and (e) enforcement actions (adjudicating alleged breaches and enforcing judicial and executive decisions). The combination of these rows and columns yields six types of "extraterritorial" forms, each in turn offering a range of options, not all of which are equally likely to trigger objections from other States, particularly when driven by international consensus.

24. There is an increasing recognition of the need to "unpack" the concept of extraterritoriality in the business and human rights sphere. For example, the European Commission is producing a study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside of the European Union.[1] The Netherlands commissioned a review of the legal liability of Dutch parent companies for the involvement of their subsidiaries,

[1] For more information, see www.law.ed.ac.uk/euenterpriseslf.

including those operating abroad, in human rights abuses.[2] In addition, the Harvard University Corporate Social Responsibility Initiative recently published a comparative report on how various forms of extraterritorial regulation have been employed in other domains involving corporate actors, including anti-corruption, securities, antitrust, the environment and general civil and criminal jurisdiction, and the corresponding lessons for business and human rights.[3]

25. Various factors may contribute to the perceived and actual reasonableness of the different options available to States in this area. First, and not surprisingly, multilateral measures are likely to be seen as more acceptable than unilateral ones. Multilateral measures may have the added benefit of encouraging efficiency, shared learning and capacity-building for States and levelling the playing field for other stakeholders. Moreover, improved consultation and cooperation among States in relation to their unilateral measures may do much to avoid duplication of standards, as well as promote the acceptability and consistent and effective implementation of such standards.

26. Second, genuine legal, political and cultural differences among States mean that principles-based and outcome-oriented approaches to standards that apply extraterritorially or have extraterritorial implications may be less problematic than prescriptive, rules-based approaches are. They also may make business compliance with different regulatory regimes more feasible.

27. Third, when there is a reasonable degree of international consensus on the wrongfulness of an activity, whether for moral, security, economic or other reasons, this can facilitate steps by States unilaterally and multilaterally to work to eliminate that activity at home and abroad. Such steps may be strengthened when States agree on common standards and enforcement methods, including strategies for resolving competing jurisdictional claims.

28. These factors are evident in other domains that deal with harm caused by private actors, such as anti-corruption. For instance, the United Nations Convention against Corruption was adopted by the General Assembly in 2003 and now has 140 signatories, reflecting broad international agreement about the proscribed behaviour. Its provisions dealing with both the supply and demand sides of corruption take into account legitimate differences among States and entail both elements of direct extraterritorial jurisdiction and domestic measures with extraterritorial implications. Moreover, the Convention includes provisions on international cooperation and technical assistance, including regarding the detection and enforcement capabilities of States parties.

29. Multilateral anti-corruption regimes emerged in part because of increasingly globalized threats to core State interests resulting from governance gaps at the domestic and international levels in dealing with corruption. Similar concerns have motivated international coordination in other domains, such as antitrust, the environment and securities regulation, to prevent and address wrongs by private actors at home and abroad. Yet even with some comparable motivations in place, e.g., in the area of international crimes, there has not been equivalent movement in the business and human rights realm.

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[2] Available from https://openaccess.leidenuniv.nl.

[3] Available from www.hks.harvard.edu/m-rcbg/CSRI.

30. The status quo does no favours for victims of corporate-related human rights abuse, nor for host Governments that may lack the capacity for dealing with the consequences, companies that may face operational disruptions or find themselves in litigation for a decade or more or home countries, whose own reputations are on the line.

31. The Special Representative will continue to consult about the various options available to States in this area, both in their domestic spheres and by working together, in order to distinguish what is truly problematic from what is permissible and would strengthen business respect for human rights at home and abroad.

IV. The corporate responsibility to respect human rights in supply chains

32. The scope of a business enterprise's responsibility for human rights abuses taking place in its supply chain has been, and remains, one of the most challenging and contentious issues in the area of business and human rights. In June 2010, the Special Representative was requested to submit a discussion paper to the tenth OECD round table on corporate responsibility for the application of the principle of corporate responsibility to respect human rights to supply chain challenges. It focused on enterprises that purchase goods and services from suppliers because, while suppliers have the same responsibility to respect as any other business entity, enterprises also have a responsibility to respect human rights in their own activities and through their relationships with other parties, including entities in their supply chains.

33. The present section is based on the analysis contained in the discussion paper. It provides one form of a decision logic for companies in dealing with supply chains. In doing so, it aims to help clarify the options for companies in this area and to facilitate discussion. The Special Representative, as with many of his other ongoing areas of work, thus looks forward to further consultation on ways that this decision logic may be refined and improved. Moreover, the Special Representative is continuing to explore the options for companies in relation to other aspects of their value chains beyond suppliers, such as the role of financial institutions vis-à-vis their clients.

34. The appropriate response by an enterprise to the risk of contributing to human rights abuse through its supply chain is for the enterprise to conduct due diligence on its supply chain relationships in order to identify actual and potential adverse impacts, and for it to prevent or mitigate both risks and impacts where they arise.[4] If human rights abuses in the supply chain are identified, the enterprise should assess the following:

(a) Whether the enterprise is implicated in the abuse solely by the link to the goods or services it procures (e.g., the product is produced, without contribution from the enterprise, by bonded or child labour; or an enterprise's external security provider commits human rights violations in protecting company facilities);

[4] For the Special Representative's most recent discussion of the components of ongoing human rights due diligence, see A/HRC/14/27, paras. 79-86.

(b) Whether the enterprise is also contributing to the abuse through its own actions and omissions (e.g., the buyer demands significant last-minute changes in product specifications without adjusting the price or delivery dates, contributing to labour standard violations by a supplier in a low-margin business).

35. In the event that the enterprise is contributing to the abuse through its own actions or omissions, the responsibility to respect requires that the enterprise take appropriate steps to address those contributions.

36. If the business enterprise is not contributing to the abuse through its own actions or omissions, but is implicated by its link to the abuse through the product or services it procures, the most common approaches to date have been to rely on contractual provisions or to set thresholds on the level of trade below which an enterprise's responsibilities would end. Nevertheless, both of these responses have limitations:

(a) Enterprises should indeed have in place measures, such as contract clauses, to require and/or incentivize supply chain entities to respect human rights. This can be a useful step towards preventing or mitigating adverse impacts in the supply chain; however, it is not sufficient to meet the responsibilities of the enterprises, absent reasonable evidence that the supply chain entities are both willing and capable of meeting the requirements. Moreover, enforcing contractual requirements beyond the first tier of suppliers can pose additional challenges, as discussed below;

(b) The suggestion that numerical thresholds can be used to determine when an enterprise's indirect responsibility for human rights harm should require it to take action, such that a company sourcing less than x per cent of its materials from a supplier or representing less than y per cent of the enterprise's business need not do anything with regard to identified abuse by the supply chain entity, has two major pitfalls:

(i) Such thresholds are necessarily arbitrary when applied to very different business sectors and sizes, and are unlikely to be appropriate in all circumstances;

(ii) Such thresholds risk encouraging enterprises to game the system and remain below the threshold that would require them to take responsibility.

37. In sum, reliance on contract clauses is insufficient, while reliance on thresholds is fundamentally problematic. If an enterprise is implicated in human rights abuses solely by the link to products or services it receives, it should take appropriate action to address any impacts identified. What action will be appropriate in turn depends on two key variables:

(a) Whether the enterprise considers the supply chain entity crucial to its business;

(b) Whether the enterprise has leverage over the supply chain entity.

38. The supply chain relationship could be deemed "crucial" to an enterprise if it provides a product or service that is essential to the enterprise's business and for which no reasonable alternative source exists. Leverage is considered to exist when the enterprise has the ability to effect change in the wrongful practices of the supply chain entity. Leverage may reflect one or more of a number of factors, such as:

(a) Whether there is a degree of direct control between the enterprise and the supply chain entity;

(b) The terms of contract between the enterprise and the supply chain entity;

(c) The proportion of business the enterprise represents for the supply chain entity;

(d) The ability of the enterprise to incentivize the supply chain entity to improve its human rights performance, e.g., in terms of future business, reputational advantage and capacity-building assistance;

(e) The reputational benefits for the supply chain entity of working with the enterprise, and the reputational harm of that relationship being withdrawn;

(f) The ability of the enterprise to engage other enterprises that work with the supply chain entity in incentivizing improved human rights performance;

(g) The ability of the enterprise to engage local or central government in requiring improved human rights performance by the supply chain entity, e.g., through the implementation of regulations, monitoring and sanctions.

39. Based on the definitions above, the enterprise should assess whether the relationship is crucial and whether it possesses leverage. The combination of these variables will yield different conclusions as to what action should be taken.

Situation A

40. If the supply chain entity is crucial and the enterprise possesses leverage, the priority should be to use that leverage to mitigate the abuse. If concerted efforts at mitigation prove unsuccessful, the logical conclusion is that the leverage is in fact not what was imagined, and the consequences for decision-making would be those described in situation B below.

Situation B

41. If the supply chain entity is crucial to the enterprise but the enterprise lacks leverage to mitigate the abuse, its priority should be to seek ways to increase its leverage to enable mitigation. This could take a number of forms, for example:

(a) Offering capacity-building support to the entity to help it address the problems;

(b) Working collaboratively with other enterprises that have relationships with the entity to incentivize improvements;

(c) Working with other enterprises on a broader regional or sectoral basis to incentivize improvements;

(d) Working with local or central government to the same end.

42. If these efforts prove unsuccessful, the enterprise will either need to take steps to end the relationship or it will need to be able to demonstrate that it has done everything reasonably possible to mitigate the abuses, and needs to be prepared to face any consequences for its decision to maintain the relationship.

Situation C

43. If the supply chain entity is not crucial to the enterprise but the enterprise does have leverage, the enterprise's continued involvement would require it first to try to use its leverage to mitigate the abuse. If that proves unsuccessful, it can reasonably be expected to take steps towards ending the relationship.

Situation D

44. If a supply chain entity is abusing human rights and is neither crucial to the enterprise nor subject to its leverage, the logical conclusion would be for the enterprise to take steps to end the relationship in order to meet its own responsibility to respect human rights.

45. In complex or contentious situations, enterprises and supply chain entities would be well advised to seek the insights, advice and even validation of key external stakeholders regarding their options and ultimate choice of action.

46. The decision logic described above can be illustrated in a simple four-cell matrix:

	Have leverage	Lack leverage
Crucial source/partner	**A.** ➢ Mitigate the abuse ➢ If unsuccessful,	**B.** ➢ Seek to increase leverage ➢ If successful, mitigate abuse ➢ If unsuccessful, take steps to end the relationship, or be able to demonstrate efforts made to mitigate abuse, recognizing possible consequences of remaining
Non-crucial source/partner	**C.** ➢ Try to mitigate the abuse ➢ If unsuccessful, take steps to end the relationship	**D.** ➢ Take steps to end the relationship

47. The logic described in this matrix can be applied to existing supply chain relationships. As for the decision whether to enter into a new supply chain relationship with an entity for which there is evidence of existing human rights

abuses, an enterprise should first assess whether it is likely to be able to mitigate those abuses through its relationship:

(a) If the enterprise assesses that it can, it may enter the relationship if it then pursues options for mitigating the abuses, as illustrated by situations A or B in the matrix;

(b) If the enterprise assesses that it cannot mitigate abuses identified in that entity, it should not enter the relationship.

48. An enterprise necessarily knows all of the entities in the first tier of its supply chain. If any of those entities is found to be responsible for human rights abuses, whether directly or indirectly (for instance, in the case of an agent or licensee), the enterprise can apply the logic illustrated by the decision matrix.

49. Beyond the first tier, it can become more difficult for an enterprise to know all the entities in its supply chain and whether any are abusing human rights. With regard to those additional tiers, not knowing about abuses is not a sufficient response by itself to allegations of either legal or non-legal complicity if the enterprise should reasonably have known about them through due diligence. Therefore, enterprises should:

(a) Use due diligence to identify general areas of risk of serious human rights abuse related to supply chain relationships that are associated with a particular locale or region or with particular products or materials and their known sources, drawing on appropriate Government, expert and/or stakeholder advice;

(b) Take action to mitigate any such risks, including by seeking to ensure that intermediary entities in the supply chain are themselves practising due diligence and maintaining appropriate standards;

(c) If they identify specific supply chain entities that are abusing human rights, in line with the decision matrix above, take appropriate efforts to mitigate the abuse (directly or through intermediaries in the relationship chain); if mitigation is impossible, either take steps to end the relationship (whether directly or via intermediaries) or be able to demonstrate efforts made to mitigate the abuse, recognizing the possible consequences of maintaining the relationship.

V. Promotion of the protect, respect and remedy framework

50. In order to promote and disseminate the framework, the Special Representative has worked closely with several international entities that are revising their own business and human rights provisions, encouraging alignment with the protect, respect and remedy framework. They include OECD; the International Organization for Standardization; the International Finance Corporation; the Global Compact, both through its Human Rights Working Group and by participation in the Global Compact Leaders Summit in June 2010; and the European Union.

51. Several other forums have been briefed on the framework, including the United Nations treaty bodies, other special procedures, national human rights institutions, the United Nations Permanent Forum on Indigenous Issues and the Inter-American Commission on Human Rights. Discussions are planned with representatives of the Association of Southeast Asian Nations (ASEAN)

Intergovernmental Commission on Human Rights and the African Union Commission on International Law.

52. To facilitate additional stakeholder input and engagement on the corporate responsibility to respect human rights, the Special Representative in December 2009 launched an online consultation (see www.srsgconsultation.org), which has attracted more than 3,600 unique visitors from 120 countries. The Special Representative plans to post the draft guiding principles on the implementation of the framework on this site later in the year for comments.

VI. Conclusion

53. The work of the Special Representative has been assessed positively in the world's leading financial press, individual Governments and international institutions are drawing on it, companies have adopted some of its central features and civil society organizations are using it in their analytical and advocacy work. He is immensely grateful to everyone who has supported and participated in the mandate's comprehensive and inclusive process, and for the progress achieved to date. Principled pragmatism has helped turn a previously divisive debate into constructive dialogues and practical paths of action. The Special Representative hopes that, by the time his mandate ends, the foundational principles will be in place for adapting the human rights regime to provide more effective protection of individuals and communities against corporate-related human rights harm.